

**Representative R. Curt Webb** proposes the following substitute bill:

**SUBDIVISION APPROVAL AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Curt Webb**

Senate Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

This bill modifies county provisions relating to subdivisions.

**Highlighted Provisions:**

This bill:

▶ authorizes an owner of ~~§~~→ **a contiguous parcel of** ←~~§~~ agricultural land within a county of the third, fourth, fifth, or sixth class to divide from the land one parcel per 100 acres, without complying with subdivision plat requirements or county subdivision ordinances; and

▶ prohibits counties of the third, fourth, fifth, and sixth class from denying a building permit to an owner of a minor subdivision parcel if the parcel meets the county's reasonable standards for health, safety, and access.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-27a-605**, as last amended by Laws of Utah 2006, Chapter 240

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**1st Sub. H.B. 156**



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **17-27a-605** is amended to read:

28 **17-27a-605. Exemptions from plat requirement.**

29 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, the land use authority may  
30 approve the subdivision of unincorporated land into ten lots or less without a plat, by certifying  
31 in writing that:

32 (a) the county has provided notice as required by ordinance; and

33 (b) the proposed subdivision:

34 (i) is not traversed by the mapped lines of a proposed street as shown in the general  
35 plan and does not require the dedication of any land for street or other public purposes;

36 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

37 (iii) is located in a zoned area; and

38 (iv) conforms to all applicable land use ordinances or has properly received a variance  
39 from the requirements of an otherwise conflicting and applicable land use ordinance.

40 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural  
41 land is exempt from the plat requirements of Section 17-27a-603 if the lot or parcel:

42 (i) qualifies as land in agricultural use under Section 59-2-502;

43 (ii) meets the minimum size requirement of applicable land use ordinances; and

44 (iii) is not used and will not be used for any nonagricultural purpose.

45 (b) The boundaries of each lot or parcel exempted under Subsection (1) shall be  
46 graphically illustrated on a record of survey map that, after receiving the same approvals as are  
47 required for a plat under Section 17-27a-604, shall be recorded with the county recorder.

48 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
49 purpose, the county may require the lot or parcel to comply with the requirements of Section  
50 17-27a-603.

51 (3) (a) ~~[Documents]~~ Except as provided in Subsection (4), a document recorded in the  
52 county recorder's office that ~~[divide]~~ divides property by a metes and bounds description ~~[do]~~  
53 does not create an approved subdivision allowed by this part unless the land use authority's  
54 certificate of written approval required by Subsection (1)(a)(ii) is attached to the document.

55 (b) The absence of the certificate or written approval required by Subsection (1) does  
56 not affect the validity of a recorded document.

57 (c) A document which does not meet the requirements of Subsection (1) may be  
 58 corrected by the recording of an affidavit to which the required certificate or written approval is  
 59 attached in accordance with Section 57-3-106.

60 (4) (a) As used in this Subsection (4) ~~§~~ → [,"minor"] :

60a (i) "Applicable land":

60b (A) means the agricultural land sought to be divided under this Subsection (4) by a  
 60c minor subdivision; and

60d (B) includes land previously divided from the agricultural land by a minor subdivision.

60e (ii) "Minor ~~←~~§ subdivision" means a division of ~~§~~ → a single, contiguous parcel of ~~←~~§  
 61 agricultural land in a county of the third, fourth, fifth, or sixth class to create no more than one  
 62 parcel per 100 acres of ~~§~~ → [agricultural] applicable ~~←~~§ land.

63 (b) ~~§~~ → (i) ~~←~~§ Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of  
 63a agricultural

64 land may make a minor subdivision by submitting for recording in the office of the recorder of  
 65 the county in which the land is located ~~§~~ → :

65a (A) ~~←~~§ a recordable deed describing by metes and bounds each  
 66 parcel divided from the agricultural land ~~§~~ → [ ] ; and

66a (B) a notice of the creation of a minor subdivision, containing the legal description of  
 66b each parcel divided from the agricultural land.

66c (ii) An owner of agricultural land may not make a minor subdivision if the minor  
 66d subdivision would result in the applicable land having more than one minor subdivision parcel  
 66e per 100 acres of applicable land. ~~←~~§

67 (c) A minor subdivision parcel:

68 (i) may not be less than one acre in size;

69 (ii) may not be closer than 1,000 feet to another parcel created by a minor subdivision;

70 and

71 (iii) is not subject to the subdivision ordinance of the county in which the parcel is  
 72 located.

73 (d) A county:

74 (i) may not deny a building permit to an owner of a parcel created by a minor  
 75 subdivision based on the parcel's status as a minor subdivision parcel; and

76 (ii) may, in connection with the issuance of a building permit, subject a minor  
 77 subdivision parcel to reasonable health, safety, and access standards.

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**H.B. 156 1st Sub. (Buff) - Subdivision Approval Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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